

ASSEMBLY BILL

No. 1119

Introduced by Assembly Member Hertzberg

February 23, 2001

An act to add Sections 11403.1 and 16011 to the Welfare and Institutions Code, relating to foster care.

LEGISLATIVE COUNSEL'S DIGEST

AB 1119, as introduced, Hertzberg. Foster care.

(1) Under existing law a child who is in foster care and receiving Aid to Families with Dependent Children-Foster Care (AFDC-FC) payments who is attending an educational program or vocational or technical training on a full-time basis prior to his or her 18th birthday may continue to receive aid after his or her 18th birthday so long as the child continues to reside in foster care placement, remains otherwise eligible for AFDC-FC payments, and continues to attend the educational program or vocational or technical training, and the child may reasonably be expected to complete the educational or training program before his or her 19th birthday. Existing law establishes the Kinship Guardianship Assistance Payment program to provide financial assistance for children who, after being adjudged dependent children of the juvenile court, are placed in legal guardianship with a relative.

This bill would authorize a child who is in foster care and receiving AFDC-FC payments or aid under the Kinship Guardianship Assistance Payment program to the age of 18 years, who is emancipated, and who is not expected to complete his or her educational or training program before his or her 19th birthday, to continue to receive aid following his or her 18th birthday and emancipation, as long as the child resides in a

foster care or Kin-GAP placement, remains otherwise eligible for AFDC-FC or Kin-GAP payments or is working at least 20 hours per week, and continues to attend an educational program or vocational or technical training. The bill would require aid to terminate on the first of the month following the completion of the educational program or vocational or technical training or the first month following the month the child attains the age of 23 years, whichever comes first.

The bill would require the State Department of Social Services to apply for any necessary federal waiver to implement, and seek any federal funds available for, these provisions, but would not require the receipt of federal funds in order to implement the bill.

Because this bill would create new duties for county agencies, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(2) Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under specified public assistance programs.

This bill would instead provide that the continuous appropriation would not be made for the purpose of funding certain provisions of the bill.

(3) Existing law requires that when a child is placed in foster care, the case plan for the child shall include a summary of the health and education information or records, including mental health information or records, of the child.

This bill would require the department to establish an Internet-based health and education passport system to collect and maintain health and education records for each child in a foster care placement, and would further require the department to develop appropriate guidelines to ensure the confidentiality of the information collected.



Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares that, while
2 Section 16010 of the Welfare and Institutions Code mandates,
3 among other things, collection of health and education
4 information relating to each child in a foster care placement, the
5 statewide automated system currently contains health records for
6 fewer than 25 percent of the children in placement, and fewer still
7 regarding educational status. Because the lack of information
8 compiled, and the resulting obstacles often prevent a healthy start
9 in life, and thwart completion of a child's education, it is the intent
10 of the Legislature in enacting Section 3 of this act to establish an
11 Internet-based mechanism to more effectively comply with the
12 requirements of Section 16010 of the Welfare and Institutions
13 Code.

14 SEC. 2. Section 11403.1 is added to the Welfare and
15 Institutions Code, to read:

16 11403.1. (a) (1) The Legislature finds and declares that
17 former foster youth are a vulnerable population at risk of
18 homelessness, unemployment, welfare dependency,
19 incarceration, and other adverse outcomes if they exit the foster
20 care system unprepared to become self-sufficient. Unlike many
21 young individuals turning the age of 18 years who can depend on
22 family for ongoing support while they complete postsecondary
23 education or develop career opportunities, emancipating foster
24 youth have their primary source of support, AFDC-Foster Care
25 payments, terminated at age 18 years and are then dependent on
26 their own resources for self-support. Some foster youth are not
27 able to complete high school or other education or training
28 programs due to ongoing trauma from the parental abuse or neglect
29 and gaps in their educational attainment stemming from the
30 original removal and subsequent changes in placement.

31 (2) Completion of an educational or training program is an
32 essential, minimum skill needed by foster youth in order to be
33 competitive in today's economy.

34 (3) It is therefore the intent of the Legislature that emancipated
35 foster youth continue to receive support until they complete their

1 educational or training program, work at least 20 hours per week,
2 or attain the age of 23 years, whichever comes first.

3 (b) A child who is in foster care and receiving aid pursuant to
4 this chapter or aid paid under the Kinship Guardianship Assistance
5 Payment Program pursuant to Section 11360, to the age of 18
6 years, who then is emancipated, and who is not expected to
7 complete his or her educational or training program, as described
8 in Section 11403, before his or her 19th birthday, shall continue to
9 receive aid following his or her 18th birthday and emancipation,
10 as long as the child resides in a foster care or Kin-GAP placement,
11 remains otherwise eligible for AFDC-FC or Kin-GAP payments
12 but for emancipation, and continues to attend an educational
13 program, or vocational or technical training, or is working at least
14 20 hours per week. Aid shall be terminated on the first of the month
15 following the completion of the educational program or vocational
16 or technical training, or the first of the month following the month
17 the child attains the age of 23 years, whichever comes first.

18 (c) Aid under this section shall be provided to the child
19 notwithstanding emancipation at age 18 years. Aid shall be
20 provided pursuant to a plan negotiated between the emancipated
21 foster youth and the social worker, which shall be reviewed
22 annually.

23 (d) The department shall seek any federal funds available for
24 implementation of this section, including, but not limited to, funds
25 available under Title IV of the Social Security Act (42 U.S.C. Sec.
26 601 and following). Implementation of this section shall not,
27 however, be contingent upon receipt of any federal funding. The
28 department shall seek any waiver from the Secretary of the United
29 States Department of Health and Human Services that is necessary
30 to implement this section.

31 SEC. 3. Section 16011 is added to the Welfare and Institutions
32 Code, to read:

33 16011. (a) The department shall establish an Internet-based
34 health and education passport system to collect and maintain
35 health and education records for each child in a foster care
36 placement, as required by Section 16010.

37 (b) Each health, mental health, and educational provider
38 providing services to a foster child shall utilize and update the
39 Internet-based system.



1 (c) The department shall develop appropriate guidelines to
2 ensure that the confidentiality of the information collected
3 pursuant to this section is maintained.

4 SEC. 4. No appropriation pursuant to Section 15200 of the
5 Welfare and Institutions Code shall be made for the purpose of
6 funding the provisions of Section 2 of this act.

7 SEC. 5. Notwithstanding Section 17610 of the Government
8 Code, if the Commission on State Mandates determines that this
9 act contains costs mandated by the state, reimbursement to local
10 agencies and school districts for those costs shall be made pursuant
11 to Part 7 (commencing with Section 17500) of Division 4 of Title
12 2 of the Government Code. If the statewide cost of the claim for
13 reimbursement does not exceed one million dollars (\$1,000,000),
14 reimbursement shall be made from the State Mandates Claims
15 Fund.

